

# **Paul Forrest Tomkins, Esq.**

11 Broadway, Suite 615, New York, NY 10004  
607-221-1279 - [pault@pftlaw.com](mailto:pault@pftlaw.com)

June 30, 2021

Arshee, Inc.  
106-14 156<sup>th</sup> Street, 1 FL.  
Jamaica, Ny 11422  
**VIA OVERNIGHT MAIL**

Tracer Electrocom  
**Attention: Abul Kalam Azad**  
2/3 Ground Fl, Block-A  
Lalmatia, Mipur Road, Dhaka  
**VIA OVERNIGHT MAIL AND EMAIL**

## **RE: Theft of Trade Secrets**

Dear Sir/Madam,

The undersigned has been retained to represent Brainwave Science, Inc. in connection with a potential claim to be filed for Theft of Trade Secrets (18 U.S. Code § 1832). It has come to our attention that Brainwave Science, Inc's Trade Secrets (including, but not limited to, scientific, technical, and engineering information) have been surreptitiously and illegally transferred by the company's former Chief Technology Officer, Dr. Thierry Maison, to individuals and entities including the Brain Fingerprinting Foundation, Dr. Lawrence Farwell, Mr. Ernest Robinson and/or Mr. Harold Higgs. Our ongoing investigation revealed that certain of these corporate and individual actors are actively marketing, and attempting to distribute, software which infringes upon the trade dress, trademarks and/or other intellectual property owned by Brainwave Science, Inc. On Monday, June 28, 2021, upon being confronted with the findings of our investigation, Dr. Maison has admitted to, and provided evidence of, his transfer of the afore-referenced trade secrets to Dr. Lawrence Farwell. A screenshot of Dr. Maison's written acknowledgement is attached

Paul F. Tomkins, Esq.  
Admitted New York State Supreme Court, Appellate Division (Reg. 4195632)  
United States Federal District Court (NDNY, Bar Roll No. 513006)

hereto for your reference. Side-by-side screenshots of the Windows® version of our own system and systems being marketed by the afore-referenced individuals are also attached.

The Theft of Trade Secrets Act (18 U.S. Code § 1832) provides for fines (up to \$5,000,000) and/or imprisonment (up to 10 years) for any person or entity who 1) steals, or without authorization appropriates, takes, carries away, or conceals, or by fraud, artifice, or deception obtains such information; 2) without authorization copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys such information; **(3) receives, buys, or possesses such information, knowing the same to have been stolen or appropriated, obtained, or converted without authorization;** (4) attempts to commit any offense described in paragraphs (1) through (3); or **(5) conspires with one or more other persons to commit any offense described in paragraphs (1) through (3), and one or more of such persons do any act to effect the object of the conspiracy.** (18 U.S. Code § 1832(a)(1-5) (emphasis added)) Additionally, the law allows for a private cause of action by owners of misappropriated Trade Secrets with remedies including civil seizure by law enforcement, injunction, actual damages and/or royalties (18 U.S. Code § 1836).

Please allow this correspondence to serve as notice that Brainwave Sciences, Inc.'s Trade Secrets have been stolen or appropriated, obtained, or converted without authorization by the afore-referenced individuals and/or entities. **Demand is hereby made that your companies immediately cease and desist from further attempts to market, license, or sell same.**

Furthermore, since we have reason to believe that paper files and/or electronic communications in your possession are relevant to actions presently pending and/or to be filed against one or more of the above-referenced parties, Brainwave Science, Inc., hereby notifies you, individually and in your respective corporate capacity(ies), to preserve all electronically stored information, copies and backup, as defined by Rule 34 of the Federal Rules of Civil Procedure, along with any paper files which you maintain regarding communications and business transacted with the above-referenced individuals and entities. Brainwave Science, Inc. will be seeking in

Paul F. Tomkins, Esq.  
Admitted New York State Supreme Court, Appellate Division (Reg. 4195632)  
United States Federal District Court (NDNY, Bar Roll No. 513006)

discovery all electronic data in your custody and control that is relevant to this action, including, without limitation, emails and other information contained on your respective computer systems and any electronic storage systems. Brainwave Science, Inc. considers this electronic data and paper files to be valuable and irreplaceable sources of discoverable information in this matter. Brainwave Science, Inc. hereby places you on notice to preserve all documents regarding this matter. In addition, Brainwave Science, Inc. places you on notice not to allow the deletion of any electronic communications, such as emails, relating to this subject of this controversy. Please forward this letter to your In House or outside counsel for guidance regarding your obligation to preserve the above-referenced evidence.

It is requested that you or your counsel contact the undersigned immediately to confirm that your companies are ceasing further efforts to market, sell or license our stolen Trade Secrets. I may be reached at ptomkins@brainwavescience.com or (607) 221-1279. If we do not hear from you or your representative by July 6, 2021, we will assume you are proceeding with your efforts to market our stolen Trade Secrets and will proceed accordingly.

Sincerely,

*Paul F. Tomkins*

Paul F. Tomkins, Esq.  
In House Counsel  
Brainwave Science, Inc.

cc: Brainwave Science, Inc

Paul F. Tomkins, Esq.  
Admitted New York State Supreme Court, Appellate Division (Reg. 4195632)  
United States Federal District Court (NDNY, Bar Roll No. 513006)